

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/766,684

Filing Date

January 28, 2004

First Named Inventor

Nabil L. Muhanna

Art Unit

3738

Examiner Name

Bruce Edward Snow

Attorney Docket Number

126013-1003

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Gardere Wynne Sewell, LLP Customer No. 32914		
Signature			
Printed name	Monique A. Vander Molen		
Date	May 2, 2006	Reg. No.	53,716

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Signature			
Typed or printed name	Anne Ziegler	Date	May 2, 2006

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Appl. No. : 10/766,684  
Applicant : Nabil L. Muhanna et al.  
Filed : Jan. 28, 2004  
Title : Artificial Intervertebral Disc  
TC/A.U. : 3738  
Examiner : Bruce Edward Snow  
Docket No. : 126013-1003



Certificate of Mailing under 37 CFR 1.8

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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references set forth in the attached form PTO/SB/08A (2 pages). No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and not in any order based on their pertinence.

It is requested that the Examiner fully consider the cited references and that they be cited on the front of any patent issuing from this application.

A check in the amount of \$180.00 is enclosed.

An early action on the merits is respectfully requested.

Respectfully submitted,

Date: May 2, 2006

Monique A. Vander Molen  
Monique A. Vander Molen  
Registration No. 53,716

Gardere Wynne Sewell LLP  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761  
214-999-3000

05/08/2006 AKELECH1 00000049 10766684

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PTO/SB/08A (07-05)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 2

**Complete if Known**

Application Number	11/140,413
Filing Date	May 27, 2005
First Named Inventor	Lance M. Middleton
Art Unit	3732
Examiner Name	
Attorney Docket Number	126013-1003

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,665,110 B1	09-09-1997	Chervitz	
		US- 6,558,386 B1	05-06-2003	Cragg	
		US- 6,558,390 B2	05-06-2003	Cragg	
		US- 6,575,979 B1	06-10-2003	Cragg	
		US- 6,740,090 B1	05-25-2004	Cragg et al.	
		US- 6,790,210 B1	09-14-2004	Cragg	
		US- 6,899,716 B2	05-31-2005	Cragg	
		US- 6,921,403 B2	07-26-2005	Cragg et al.	
		US- 20010049527 A1	12-06-2001	Cragg	
		US- 20020016583 A1	02-07-2002	Cragg et al.	
		US- 20020173796 A1	11-21-2002	Cragg et al.	
		US- 20030135237 A1	07-17-2003	Cragg et al.	
		US- 20030158557 A1	08-21-2003	Cragg et al.	
		US- 20030191474 A1	10-09-2003	Cragg et al.	
		US- 20030195518 A1	10-16-2003	Cragg	
		US- 20030204189 A1	10-30-2003	Cragg	
		US- 20030229353 A1	12-11-2003	Cragg	
		US- 20040220577 A1	11-04-2004	Cragg et al.	
		US- 20050070908 A1	03-31-2005	Cragg	

**FOREIGN PATENT DOCUMENTS**

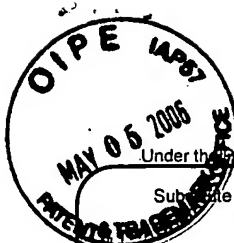
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
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Sheet 2

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 20050113919 A1	05-26-2005	Cragg et al.	
		US- 20050113928 A1	05-26-2005	Cragg et al.	
		US- 20050113929 A1	05-26-2005	Cragg et al.	
		US- 20050131529 A1	06-16-2005	Cragg	
		US- 20050137601 A1	06-23-2005	Assell et al.	
		US- 20050137602 A1	06-23-2005	Assell et al.	
		US- 20050137604 A1	06-23-2005	Assell et al.	
		US- 20050137605 A1	06-23-2005	Assell et al.	
		US- 20050137607 A1	06-23-2005	Assell et al.	
		US- 20050137612 A1	06-23-2005	Assell et al.	
		US- 20050149034 A1	07-07-2005	Assell et al.	
		US- 20050149049 A1	07-07-2005	Assell et al.	
		US- 20050149191 A1	07-07-2005	Cragg et al.	
		US- 20050165406 A1	07-28-2005	Assell et al.	
		US- 20050261695 A1	11-24-2005	Cragg et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner  
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